

Judicial Administration Committee
Judicial Conference of Indiana

Minutes
October 14, 2005

The Judicial Administration Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, October 14, 2005 from 10:00 a.m. – 2:40 p.m.

1. Members present. Thomas P. Boyer, Daniel F. Donahue, Jeffery J. Dywan, James R. Heuer, Tanya Walton Pratt, Robert D. Rucker, Michael A. Shurn and Judith S. Proffitt, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Grant W. Hawkins, Judge, Marion Superior Court, Criminal Division; Ron L. Miller, Director, Trial Court Management, and Kris Suthers, Systems Analyst, Division of State Court Administration.
4. Minutes approved. The minutes for the committee on August 12, 2005 were approved.
5. Deskbook for judges to manage *pro se* litigation.
 - a. Committee members reviewed prisoner/inmate case and procedure materials from Judge Pratt for the Criminal section. Magistrate Boyer agreed to work with Judge Pratt on revisions. Mr. Bercovitz agreed to call Madison County for their small claims materials used with inmates.
 - b. The following items are due at the next meeting:
 - (1) Small claims section from Judge Love;
 - (2) Mortgage foreclosure/debt collection from Judge Horn;
 - (3) Family member seeking guardianship *pro se* and insurance company setting up a guardianship for a minor settlement from Judge Snow; and
 - (4) Adoption - recent past records inquiries, genealogy from Judge Welch

See Attachment No. 1 for committee member assignments.

6. Weighted caseload.
 - a. Mr. Bercovitz gave an overview of Indiana's judicial weighted caseload system and distributed excerpts from the 2002 study.
 - b. Judge Hawkins reported in a review of 2004 Murder cases in Marion County, about one-third go a jury trial rather than the .05% indicated in the 2002 weighted caseload study. The 2002 study used an average number of all felonies. He said the 319 minutes reported for the length of the trial is too little time. These numbers are having an impact on determining their need for additional judicial officers. A court reporter now uses a system to record log notes, which records the time in court of a judge during proceedings. He recommended the following:
 - (1) The judicial weighted caseload study needs to be upgraded, especially with the frequency of jury actions in Murder, A, B, and C felonies. Ron Miller reported this could be completed with the information reported since 2002 to the Division of State Court Administration. Since 2002, the number of felony cases was divided into Murder, A, B, and C felonies and the trial dispositions were reported to his office.

- (2) The waiting time for a judge for a jury that goes beyond 5:00 p.m. but does not finish deliberation until 11:00 p.m. should be included in weighted caseload.
 - (3) The highest and lowest two and one-half percent of the data figures collected were thrown out of the 2002 study. They should be included in order to get a more realistic number of minutes in a jury trial.
 - (4) Probation revocations and Post-Conviction Relief proceedings should be accounted for separately in weighted caseload and not with their underlying felony case. These proceedings may occur so long after the disposition of the underlying felony case they are in effect a new case.
 - (5) The “other” weighted caseload category should include more detail, especially in the post judgment area.
 - (6) There is a need to capture more than just four weeks of judge time.
 - c. Ron Miller reported there are different methodologies to consider for weighted caseload. For example, the National Center for State Courts has used the number of court personnel, which may be the disposition rate of a court.
 - d. Committee members discussed the use of case filings vs. trials and bench dispositions or redocketing when counting cases. Ron Miller explained the use of case filings was thought to be a more “pure” number, less subject to manipulation than other numbers. Measuring systems that change, provide little benefit, making it hard to compare numbers. Ron Miller also mentioned the need for the review of the margin of error in weighted caseload.
 - e. Committee members asked Ron Miller to run new weighted caseload numbers for all cases with recent bench and trial disposition rates reported to the Division of State Court Administration. The numbers would be provided to the committee in advance of the next meeting for review at the next meeting.
7. Next meeting: The committee agreed to hold future meetings on the following dates: Friday, January 13, February 10, March 10, May 12, June 9, July 14, August 11, and October 13, 2006 all from 10:00 a.m. - 4:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law

**Assignments: Benchbook for Judicial Officers:
Administration Of Cases With Pro Se Litigants**

Introduction

Completed 8/13/04	Introduction/General considerations	J. Proffitt, Chair
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Civil

Completed 2/11/05	(1) <u>Domestic Relations</u> Initial dissolution, post-dissolution matters, letters and third-party correspondence, Final hearing, custody, change of residence, parenting time, other	J. Eldred and J. Willis
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(2)	<u>Small claims</u>	J. Love
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(3)	<u>Mortgage foreclosure/debt collection</u>	J. Horn
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(4)	<u>Mental Health</u>	
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Family member seeking guardianships – <i>pro se</i>	J. Snow
Ins. Co. sets up guardianship for minor settlement	J. Snow

Completed 7/08/05	Civil commitments generally	J. Donahue
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Completed 3/11/05	(5) <u>Paternity, probate</u>	J. Shurn
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Completed 2/11/05	(6) <u>General civil</u>	
Revised 8/12/05	Refer to forms on Self-Service Website	Committee
Revised 8/12/05	Request for Appt. of Pauper Attney. In Civil Action	Mag. Boyer
	Dialogue for Request For Appt. of Counsel In Civil Action	Mag. Boyer

Revised 8/12/05	Incarcerated Pro Se Litigants In Civil Action Case Discussion	Mag. Boyer
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Completed 7/08/05	Inquiry/Advice Regarding Self-Representation	J. Donahue
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BMV – lost title, hardship license	J. Welch
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Drafted 2/11/05	Adoption – recent past records inquiries, genealogy	J. Welch
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Completed 8/12/05	(7) <u>Contempt</u> Rule To Show Cause Hearing If Indigent Dialogue For Rule to Show Cause Hearing If Indigent	Mag. Boyer Mag. Boyer
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Criminal

(1)	<u>Misdemeanor, D Felony <i>pro se</i> representation</u> Pro se jury trial, dialogues, other	Judge _____
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	(2)	<u>Prisoner/Inmate litigation</u>	J. Pratt
<i>Revised 10/14/05</i>		Inmate as civil litigant – transportation, access to legal materials, tort claims; civil rights claims, name changes, paternity, dissolution; criminal claims: PCR's, credit time, modification, expungement; and extradition requests	
<i>Completed 8/12/05</i>		Ind. Code 34-58-1 Screening of Offender Litigation Checklist New Paternity Cases	
"		Notice to Incarcerated Petitioners - Paternity	
"		Order To DOC For Report Of Defendant's Conduct While Incarcerated	
"		Order Appointing State Public Defender	
"		Denial of Request For Modification of Sentence Under Ind. Code 35-38-1-17 (a)	
"		Denial of Request For Modification of Sentence Under Ind. Code 35-38-1-17 (b)	
"		Order Dismissing Petition For Post Conviction Relief	
"		Order Setting Pro Se PCR Hearing	
"		Order Setting Hearing On Petition And Modification Of Sentence and Order To Transport	
"		Order Granting Expungement of Arrest Record Under Ind. Code 35-38-5 <i>et. seq.</i>	
	(3)	<u>Clerk chapter</u>	J. Proffitt
<i>Submitted 7/08/05</i>		Information For <i>Pro Se</i> Litigants Concerning Dissolution of Marriage Action	J. Proffitt
<i>Completed 7/08/05</i>		Notice to <i>pro se</i> litigants on service	J. Horn